

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

- against -

MARK GONZALEZ,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 3/11/2024

21 CR 288 (VM)

ORDER

VICTOR MARRERO, United States District Judge.

On March 4, 2024, defendant Mark Gonzalez ("Gonzalez") filed a motion for reconsideration ("Motion") of the Court's October 31, 2023 Decision and Order denying his *pro se* motion to withdraw his guilty plea. (See Dkt. No. 162.) The Court rejected the Motion in a Decision and Order entered on March 11, 2024. (See Dkt. No. 164.) In response to Gonzalez's Motion, Gonzalez's C.J.A. attorney, Yusuf El Ashmawy ("El Ashmawy"), filed a letter on March 4, 2024, requesting a conference to determine whether Gonzalez wishes to proceed to sentencing *pro se* or with the assistance of El Ashmawy as counsel. (See Dkt. No. 163.) The Court is not persuaded that a conference is warranted at this time, as El Ashmawy was appointed Gonzalez's C.J.A. attorney (the third attorney the Court appointed for Gonzalez in this action) for the purposes of preparing Gonzalez's sentencing submission, not to re-

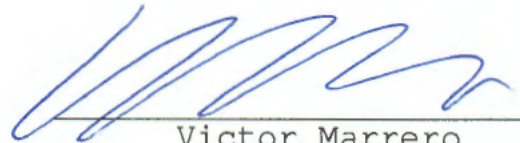
visit withdrawal of Gonzalez's guilty plea. (See Dkt. No. 160, Hr'g Tr. 3:8-15, 4:14-24.)

Gonzalez is hereby **DIRECTED TO CONFIRM**, within 30 days of the date of this Order, whether he intends to proceed to sentencing represented by C.J.A. attorney El Ashmawy or, alternatively, whether he intends to proceed pro se. As the Court already indicated on the record, if Gonzalez is not willing to proceed with El Ashmawy as counsel, "the Court will not appoint any other counsel . . . at this stage." (Dkt. No. 160, Hr'g Tr. 5:17-25.) Regardless, the Court will proceed to sentencing of Gonzalez as scheduled on May 17, 2024.

The Clerk of Court is respectfully directed to terminate the motion at Dkt. No. 163. The Clerk of Court is also respectfully directed to mail a copy of this Order to Mark Gonzalez, Register Number 46404-509, MDC Brooklyn, 80 29th Street, Brooklyn, New York 11232, and to note service on the docket.

SO ORDERED.

Dated: 11 March 2024
New York, New York



Victor Marrero
U.S.D.J.